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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,802	09/22/2005	Keiichiro Suzuki	09450/0203332-US0	3960
7278	7590	07/10/2008		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER AMIRI, NAHID	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 07/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,802	Applicant(s) SUZUKI ET AL.	
	Examiner NAHID AMIRI	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/17/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 24 April 2008, amendments to the claims have been entered. Claims 1-9 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

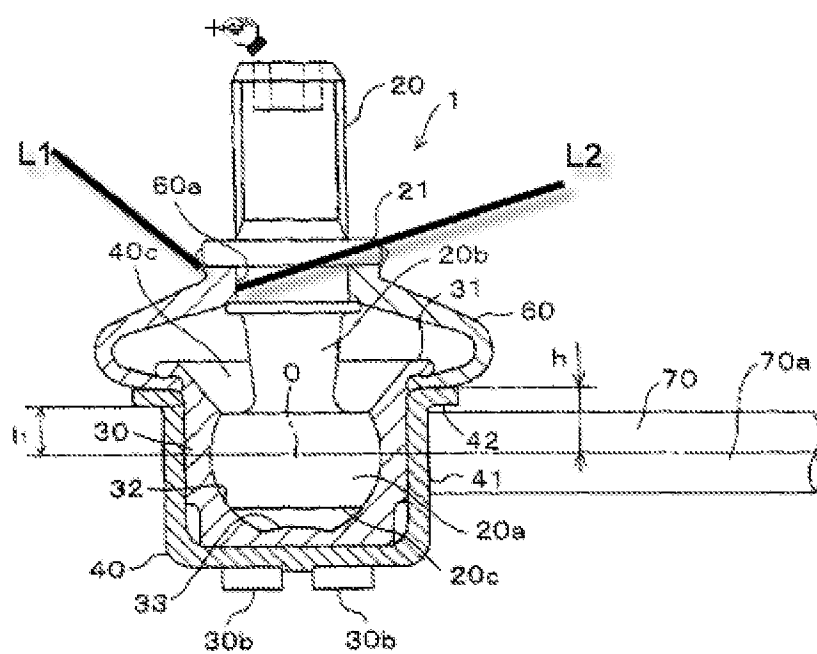
Claims 1-3, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,134,801B2 Kuroda in view of US Patent No. 5,067,841 Fukukawa et al.

With respect to claim 1, Kuroda discloses a ball joint (Fig. 2A) comprising a housing (40) with an opening portion; a ball head portion (20a) rotatably housed in said housing (40); a ball stud (20) comprising a stud portion (20b) provided in a protruding manner from said ball head portion (20a), and protruding from said opening portion; and a brim portion (21) provided in a protruding manner on an outside surface of said stud portion (20b); and an approximately pipe-formed dust cover (60) inserted through said stud portion (20b), provided across an outside surface of said housing (40) and an outside surface of said stud portion (20b) so as to block said opening portion, said dust cover (60) comprising a first lip portion (L1) closely fitted in a manner urged toward a ball head portion-side end face of said brim portion (21); and a second lip portion (L2) which is closely fitted in a manner urged toward an outside surface of said brim portion (21). Kuroda fails to disclose that the dust cover is an elastic material. Fukukawa et al. teaches a ball joint (Fig. 1) having an elastic dust cover (5). It would have been obvious to one of

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ordinary skill in the art at the time of invention was made to form the dust cover of Kuroda from elastic material as taught by Fukukawa et al. in order to provide a rust proof dust cover.

Fig. 2A



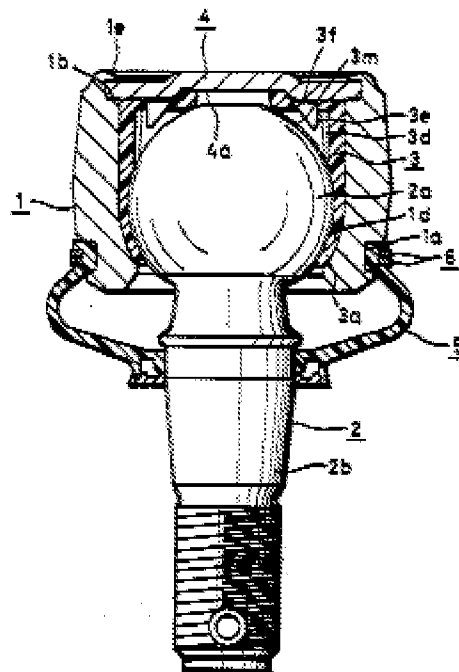


FIG. 1

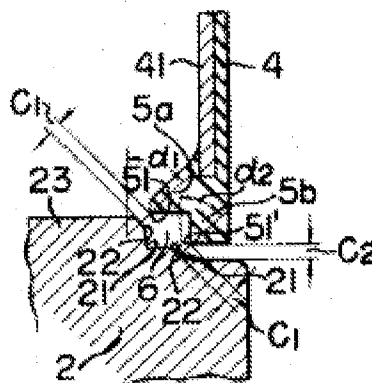
With respect to claims 2, 3, and 5, Kuroda discloses (Fig. 2A) that the first lip portion (L1) is urged toward a ball head portion-side end face of said brim portion (21), and closely fitted to a part of said end face; and wherein second lip portion (L2) is urged toward an outside surface of the brim portion (21), and closely fitted to a part of said outside surface.

With respect to claim 9, Kuroda fails to disclose that the opening portion is located on one end of the housing, and the opposite end of the housing is closed by a plug caulked to the housing (3). Fukukawa et al. disclose a ball joint (Fig. 1) having an opening portion is located on one end of the housing (3), and the opposite end of the housing (3) is closed by a plug (4) caulked to the housing (3). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the housing of Kuroda with a plug as taught by Fukukawa et al. in order to seal the top portion of the housing.

Claims 4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Kuroda and Fukukawa et al. as applied to claims 1-3, 5 and 9 above, and further in view of US Patent No. 3,414,275 Takahashi.

With respect to claims 4 and 6-8, Kuroda fails to disclose that the dust cover is provided with a pocket portion, said second lip portion and said brim portion of said ball stud, retaining a lubricant member inside. Takasashi teaches (Fig. 7) a seal lip (4) having a first and second lip portions (5a, 5b) is provided with a grease pocket portion (6) to retains a lubricant member (grease) inside. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the dust cover of the Kuroda with a pocket portion to retains a lubricant member such as grease as taught by Takasashi in order to ease the movement between the seal lip and the brim member.

FIG. 7



Response to Arguments

Applicant's arguments with respect to claims 24 April 2008 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri
Examiner
Art Unit 3679
July 6, 2008

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679